

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE NAMENDA DIRECT PURCHASER
ANTITRUST LITIGATION**

Case No. 1:15-CV-07488-CM-RWL

**DECLARATION OF DAN LITVIN IN OPPOSITION TO
FOREST'S MOTION FOR LEAVE TO SUPPLEMENT ITS EXPERT REPORTS**

I, Dan Litvin, hereby declare as follows:

I am a member of the bar in good standing in the State of New York and am admitted to practice before this Court. My firm represents the certified class in this matter. I submit this declaration in opposition to Forest's Motion for Leave to Supplement its Expert Reports.

1. Attached as Exhibit 1 hereto is a true and correct copy of Forest's Disclosure Pursuant to the May 19, 2017 Memorandum and Order.

2. Attached as Exhibit 2 hereto is a true and correct copy of Responses and Objections of Non-Party Dr. Reddy's Laboratories, Inc. to Defendants' Subpoena.

3. Attached as Exhibit 3 hereto is a true and correct copy of Responses and Objections of Non-Party Dr. Reddy's Laboratories, Inc. to Plaintiff's [sic] Subpoena.

4. Attached as Exhibit 4 hereto is a true and correct copy of excerpts from the July 20, 2017 30(b)(6) deposition Dr. Reddy's Laboratories (McCormick).

5. Attached as Exhibit 5 hereto is a true and correct copy of a letter from Daniel V. Folt to Hon. Gregory M. Sleet, *Forest Laboratories, Inc., v. Cobalt Laboratories, Inc.*, C.A. No. 08-021-GMS-LPS (D. Del. Mar. 16, 2010), Bates stamped FRX-AT-03512258.

6. Attached as Exhibit 6 hereto is a true and correct copy of the Expert Report of Dr. Rachelle S. Doody Regarding Mylan, *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*,

C.A. No. 08-21-GMS-LPS (D. Del. Nov. 20, 2009), Bates stamped MNAT_0000411.

7. Attached as Exhibit 7 hereto is a true and correct copy of the Rebuttal Expert Report of John Olney, MD, *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Dec. 18, 2009), Bates stamped MNAT_0001112.

8. Attached as Exhibit 8 hereto is a true and correct copy of the Supplemental Expert Report of Roberto Malinow, M.D., Ph.D., *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Feb. 18, 2010), Bates stamped MNAT_0000937.

9. Attached as Exhibit 9 hereto is a true and correct copy of Motion to Strike Supplemental Expert Report of Roberto Malinow and all Testimony Relating Thereto, *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Mar. 1, 2010).

10. Attached as Exhibit 10 hereto is a true and correct copy of Forest's Opposition to Mylan's Motion to Strike the Supplemental Expert Report of Roberto Malinow, M.D., Ph.D., *Forest Laboratories Inc., v. Cobalt Laboratories Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Mar. 15, 2010), Bates stamped FRX-AT-04228647.

11. Attached as Exhibit 11 hereto is a true and correct copy of a letter from Dr. Reddy's Laboratories, Ltd. to Howard Solomon, Re: Notice of Paragraph IV Certification, Bates stamped FRX-AT-03876718.

12. Attached as Exhibit 12 hereto is a true and correct copy of Dr. Reddy's Laboratories, Inc.'s Objections and Responses to [Forest's] First Set of Collective Interrogatories (No. 1-7), *Forest Laboratories, Inc. v. Dr. Reddy's Laboratories, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Oct. 23, 2008), Bates stamped FRX-AT-03504943.

13. Attached as Exhibit 13 hereto is a true and correct copy of Joint Pretrial Order, *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Feb. 26,

2010), Bates stamped MNAT_0000010.

14. Attached as Exhibit 14 hereto is a true and correct copy of the Expert Report of Cameron K. Weiffenbach, *Forest Laboratories Inc., v. Lupin Pharmaceuticals, Inc.*, C.A. No. 08-21-GMS-LPS (D. Del. Nov. 20, 2009), Bates stamped FRX-AT-04228603.

15. Attached as Exhibit 15 hereto is a true and correct copy of excerpts from the August 3, 2017 30(b)(6) deposition Mylan, Inc. (Silber).

16. Attached as Exhibit 16 hereto is a true and correct copy of Greene, Adam, *Analyzing Litigation Success Rates*, Jan. 15, 2010.

I hereby declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in New York, NY on May 6, 2019.

/s/ Dan Litvin

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2019, I electronically served the above Declaration on counsel of record via the Court's CM/ECF system.

Respectfully submitted

/s/ Dan Litvin
Dan Litvin